

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
MIDDLE DIVISION

KATHLEEN MAE MULLINS,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. 3:07-0893
	)	JURY DEMAND
WAL-MART STORES, INC.,	)	
	)	Judge Haynes
Defendant.	)	Magistrate Judge Griffin

**AGREED ORDER**

Upon agreement of the parties, by and through counsel, pursuant to Rule 34 of the Tennessee Rules of Civil Procedure and pursuant to 45 C.F.R. § 164.512(e)(1) of the Health Insurance Portability and Accountability Act ("HIPAA"), which specifically states that, "A covered entity may disclose protected health information in the course of any judicial or administrative proceeding: (i) in response to an order of a court or administrative tribunal, provided that the covered entity discloses only the protected health information expressly authorized by such order," and for good cause shown, it is hereby

**ORDERED, ADJUDGED AND DECREED** that the law firm of HOWELL & FISHER, PLLC, or its designated representatives, shall be allowed by written request only to inspect and/or obtain certified and/or **uncertified copies of all employment records, income tax returns, medical records, medical reports, medical charts, x-ray films, tissue slides or other laboratory specimens, diagnostic studies,**

pharmacy/prescription records, itemized billing records with payments-made information, insurance records, other documents or writings, including but not limited to, protected health information, as that term is defined in 45 C.F.R. Part 160 and Part 164 (HIPAA Privacy Rule) (collectively, the "Medical Information"), related to the care and treatment of Kathleen Mae Mullins, whose birth date is \_\_\_\_\_.

HOWELL & FISHER, PLLC, or its designated representatives shall pay all costs of obtaining copies of aforesaid documents and will provide copies of said Medical Information obtained pursuant to this Order to plaintiff's attorney, Mark M. Mizell, at no charge.

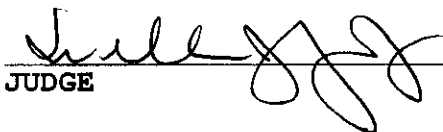
This Order does require the law firm of HOWELL & FISHER, PLLC, or its designated representatives, to notify plaintiff's attorney in writing if records are reviewed but not copied, and such notification shall specify in sufficient detail which records have been reviewed but not copied. This Order does not permit ex parte communications between the lawyers or their representatives and the health care providers.

The information obtained through use of this Order may only be used or disclosed for the purposes of this litigation or proceeding. Except with the prior written consent of the producing party, the information produced pursuant to this Order shall not be disclosed to any person other than (a) counsel for the parties, (b) employees or agents of counsel for the parties, (c) any current or

former employee of a party, to the extent deemed necessary by counsel for the production or defense of this litigation, (d) experts and consultants retained for the prosecution or defense of this litigation, (e) any authors or recipients (in the ordinary course of the health care provider's business) of the Medical Information, or (f) the Court, court personnel, court reporters, and witnesses.

This Order shall expire upon final disposition of this case, and the law firm of HOWELL & FISHER, PLLC, or its designated representatives, shall be prohibited from using the Order thereafter. All information obtained pursuant to this Order and all copies thereof will be destroyed or safely archived within a reasonable time period after the conclusion of this litigation or proceeding, whether by trial, appeal, settlement, or other final conclusion.

ENTER this 3<sup>rd</sup> day of March, 2007.

  
JUDGE

**APPROVED FOR ENTRY:**

s/Kyonzté L.N. Hughes  
Andy Rowlett, No. 16277  
Kyonzté L.N. Hughes, No. 23702  
HOWELL & FISHER, PLLC  
Court Square Building  
300 James Robertson Parkway  
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(615) 244-3370  
Attorneys for Defendant

s/Mark M. Mizell w/permission by KH  
Mark M. Mizell, No. 18136  
136 Fourth Avenue South  
Franklin, TN 37064  
(615) 791-7890  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing was served through the electronic filing system on Mark M. Mizell, 136 Fourth Avenue South, Franklin, TN 37064, on this 25<sup>th</sup> day of January, 2008.

s/Kyonzté L.N. Hughes

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